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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,395	01/16/2002	Robert A. Erickson	K-1709	6195

7590

12/31/2003

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EXAMINER

HOWELL, DANIEL W

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 12/31/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/050,395	Applicant(s) ERICKSON ET AL.	
	Examiner Daniel W. Howell	Art Unit 3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on ____.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-19 is/are pending in the application.

 4a) Of the above claim(s) ____ is/are withdrawn from consideration.

5) ☐ Claim(s) ____ is/are allowed.

6) ☒ Claim(s) 1,2,4,5,8,9,14 and 15 is/are rejected.

7) ☒ Claim(s) 3,6,7,10-13 and 16-19 is/are objected to.

8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

 a) ☐ All b) ☐ Some * c) ☐ None of:

 1. ☐ Certified copies of the priority documents have been received.

 2. ☐ Certified copies of the priority documents have been received in Application No. ____.

 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

 a) ☐ The translation of the foreign language provisional application has been received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2,3</u> .	6) <input type="checkbox"/> Other: _____

U.S. Patent and Trademark Office
PTOL-326 (Rev. 11-03)

Office Action Summary

Part of Paper No. 4

Art Unit: 3722

1. The disclosure is objected to because of the following informalities: throughout the specification, "course" should be changed to "coarse."

Appropriate correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Calcagno.

See figure 5 and column 7, lines 5+. Motor 82 rotates a cutter 95, and sleeve 119 (first portion) having threads 121, 123, is rotated relative to motor housing 82 (second portion) to adjust the depth of cut. While the device of Calcagno is scoring rather than drilling, the intended use set forth in lines 1-2 of claim 1 is given no patentable weight, as there is no explicit drilling structure set forth in the rest of the claim. The sentence bridging columns 7 and 8 also acknowledges that this depth adjuster can be used with other cutting apparatus.

4. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Reil. Note drill motor 23, first portion 34, and the enlarged diameter portion of cylinder 18 (the second portion). The two portions are connected by threads, and rotation of nut 34 adjusts the position of the drill relative to the workpiece, in order to set the depth of cut.

5. Claims 1, 2, 4, 8, 9, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Riley. Note slip fit 56 (first portion) and threaded member 50 (second portion). Member 56 rotates on the front of the drill housing, but it does not move axially. As 56 is rotated, threads 52, 54, cause member 50 to move axially to adjust the distance D between the drill motor and the

workpiece. The unnumbered member just above workpiece 44 is a drill plate/support (see column 3, line 30).

6. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Eckman '968. First portion 91 is moved axially relative to member 90 to adjust the distance between the motor and workpiece. Screw 92 clamps the two portions in the desired location.

7. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Bone. Note first portion 20 on the motor housing and second portion 22. As the two are rotated relative to each other, the depth of cut is adjusted. While the device of Bone is routing rather than drilling, the intended use set forth in lines 1-2 of claim 1 is given no patentable weight, as there is no explicit drilling structure set forth in the rest of the claim.

8. Claims 3, 6, 7, 10-13, 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Any inquiry concerning the content of this communication from the examiner should be directed to Daniel Howell, whose telephone number is 703-308-1728. The examiner's office hours are typically about 10 am until 6:30 pm, Monday through Friday. The examiner's supervisor, Andrea Wellington, may be reached at 703-308-2159.

Any inquiries concerning other than the content of this and previous communications, such as missing references or filed papers not acknowledged, should be directed to the Customer Service Center for Tech Center 3700 at 703-306-5648.

In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office actions directly into the Group at FAX number 703-872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Daniel Howell of Art Unit 3722 at the top of your cover sheet.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 703-308-1148.



Daniel W. Howell
Primary Examiner
Art Unit 3722